

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

INHANCE TECHNOLOGIES LLC,

Defendant.

CIVIL ACTION NO. 22-5055

Notice of 15-Day Suspension of the SNUN Review Period

Plaintiff the United States of America (“United States”), on behalf of the United States Environmental Protection Agency (“EPA”), files this Notice of a 15-day suspension of the review period for the Significant New Use Notices (“SNUNs”) that Defendant Inhance Technologies LLC (“Inhance”) has submitted to the EPA. The applicable review period for Inhance’s SNUNs is now scheduled to expire on October 31, 2023.

On August 23, 2023, the Court held oral argument on the motions filed by Inhance to dismiss the complaints filed by the United States and the Intervenor-Plaintiffs alleging past and continuing violations of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2601 *et seq.* (ECF Nos. 10, 40), the motion for partial summary judgment filed by the United States (ECF Nos. 37, 49, 51, 52, 54), and the motion for summary judgment and injunctive relief filed by the Intervenor-Plaintiffs. (ECF Nos. 42, 50, 53). At the conclusion of the oral argument, the Court asked to be informed “if there are any developments on the regulatory front” and of “the significance of [such] development.” Transcript of Oral Argument at 115:7-15.

In accordance with the Court’s request, the United States has filed several previous notices regarding suspensions of the SNUN review period that Inhance has sought and which

EPA has agreed to under 40 C.F.R. § 720.75(b)(2). ECF Nos. 56, 63, 64.¹ The last such notice advised that the review deadline for the SNUNs was October 16, 2023. ECF No. 64.

The United States submits this Notice to inform the Court that on October 12, 2023, a representative of Inhance submitted a letter to EPA requesting that EPA suspend the review period for its SNUNs by 15 additional days. *See* Ex. 1 (SNUN Review Suspension Request Letter, October 12, 2023). According to the suspension request letter, Inhance has provided supplemental information to EPA, and the agency indicated on October 11, 2023, that it seeks additional time to review this information. *Id.* EPA granted Inhance's request to suspend the SNUN review period by additional 15 days.

Therefore, the applicable review period for Inhance's SNUNs is now set to expire on October 31, 2023. The United States will continue to inform the Court if there are further suspensions or an extension of the review period.

Respectfully submitted,

Dated: October 16, 2023

FOR THE UNITED STATES OF AMERICA

TODD KIM

Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

¹ The United States and Inhance jointly filed the first such notice. ECF No. 56.

/s/ Richard Gladstein

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CERTIFICATE OF SERVICE

The foregoing Notice of 15-Day Suspension of the Review Period has been filed electronically using the ECF system and is available for viewing and downloading from the ECF system. Counsel for the Plaintiff also has served by email an electronic copy of this Notice on counsel for Defendant and counsel for Intervenor-Plaintiffs Center for Environmental Health, Public Employees for Environmental Responsibility, and Mr. Jay De La Rosa.

DATE: October 16, 2023

/s/ Richard Gladstein
RICHARD GLADSTEIN